

07-58

**Affidavit accompanying Motion for  
Permission to Appeal In Forma Pauperis**

United States District Court for the District of Delaware

v.

D.C. Case No. \_\_\_\_\_

State of Delaware

Third Cir. No. \_\_\_\_\_

**Affidavit in Support of Motion**

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury that my answers on this form are true and correct. (28 U.S.C. § 1746, 18 U.S.C. § 1621)

Signed: [Signature]

**Instructions**

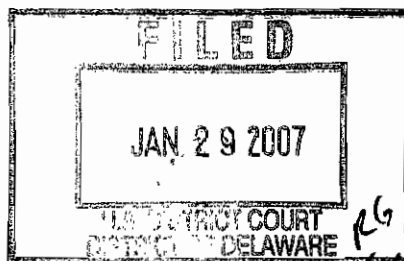
Complete all questions on this application and then sign it. Do not leave any blanks. If the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate piece of paper identified with your name, your case's docket number, and the question number.

Date: January 8, 2007

**My issues on Appeal are:**

I have been wrongful convicted and I have exhausted all my remedies in state court.

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1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

INCOME SOURCE	AVERAGE MONTHLY AMOUNT DURING THE PAST 12 MONTHS	AMOUNT EXPECTED NEXT MONTH
	You	You
Employment	\$ <u>00.00</u>	\$ <u>00.00</u>
Self-Employment	\$ <u>00.00</u>	\$ <u>00.00</u>
Income from real property (such as rental income)	\$ <u>00.00</u>	\$ <u>00.00</u>
Interest and Dividends	\$ <u>00.00</u>	\$ <u>00.00</u>
Gifts	\$ <u>00.00</u>	\$ <u>00.00</u>
Alimony	\$ <u>00.00</u>	\$ <u>00.00</u>
Child Support	\$ <u>00.00</u>	\$ <u>00.00</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>00.00</u>	\$ <u>00.00</u>
Unemployment payments	\$ <u>00.00</u>	\$ <u>00.00</u>
Disability (such as social security, insurance payments)	\$ <u>00.00</u>	\$ <u>00.00</u>
Public Assistance (such as welfare)	\$ <u>00.00</u>	\$ <u>00.00</u>
Other (specify): _____	\$ <u>00.00</u>	\$ <u>00.00</u>
<b>Total monthly income</b>	\$ <u>00.00</u>	\$ <u>00.00</u>

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay
	N/A		

3. List your spouse's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay
	N/A		

4. How much cash do you and your spouse have? \$ 264.78

Below, state any money you or spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
Bwcl	Inmate	\$ <u>264.78</u>	\$ <u>N/A</u>
		\$ _____	\$ _____
		\$ _____	\$ _____

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement for each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home (Value)

~~N/A~~

Other real estate (Value)

~~N/A~~

Motor Vehicle # 1 (Value)

Make & year: ~~N/A~~

Model: ~~N/A~~

Registration #: ~~N/A~~

Motor Vehicle # 2 (Value)

Make & year: ~~N/A~~

Model: ~~N/A~~

Registration #: ~~N/A~~

Other assets (Value)

~~N/A~~

Other assets (Value)

~~N/A~~

6. State every person, business or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money

~~N/A~~

Amount owed to you

~~N/A~~

Amount owed to your spouse

~~N/A~~

7. State the persons who rely on you or your spouse for support.

Name

~~N/A~~

Relationship

~~N/A~~

Age

~~N/A~~

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or Home Mortgage (Include lot rented for mobile home)	\$ _____	\$ _____
Are real estate taxes included?		
• yes      • no		
Is property insurance included?		
• yes      • no		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ _____	\$ _____
Home maintenance (repairs and upkeep)	\$ _____	\$ _____
Food	\$ _____	\$ _____
Clothing	\$ _____	\$ _____
Laundry and dry-cleaning	\$ _____	\$ _____
Medical and dental expenses	\$ _____	\$ _____
Transportation (not including motor vehicle payments)	\$ _____	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ _____	\$ _____
Insurance (not deducted from wages or included in mortgage payments)	\$ _____	\$ _____
Homeowners or renters	\$ _____	\$ _____
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)(specify): _____	\$ _____	\$ _____

	You	Your Spouse
Installment payments	\$ _____	\$ _____
Credit Card (name): _____	\$ _____	\$ _____
Department Store (name): _____	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Alimony, maintenance and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____
<b>Total monthly expenses:</b>	<b>\$ _____</b>	<b>\$ _____</b>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

• Yes • No If yes, describe on an attached sheet.

10. Have you paid \_\_\_\_\_ Or will you be paying \_\_\_\_\_ an attorney any money for services in connection with this case, including the completion of this form?

• Yes • No If yes, how much? \$ \_\_\_\_\_

If yes state the attorney's name, address and telephone number:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

11. Have you paid \_\_\_\_ Or will you be paying \_\_\_\_ anyone other than attorney (such as a paralegal or typist) any money for services in connection with this case, including the completion of this form?

• Yes ☒ No If yes, how much? \$ \_\_\_\_\_

If yes state the person's name, address and telephone number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

*I am incarcerated at this time.*

13. State the address of your legal residence.

660 BAYLOR BLVD  
NEW CASTLE DE 19720

Your daytime telephone number: (302) 577-3004

Your age: 42 Your years of Schooling: 12

Your social security number: 221-64-7414

Date : 01/08/2007

## Account Activity Ledger

Time : 14:51

From: 06/01/2006 To: 01/08/2007

Comment	Trx Date	Time	Batch /Inv #	Trx Trx #	Type	Invoice	Deposit	Withdrawal	Balance Forward
ID 00241930	Name	DRUMMOND, PHYLLIS		Block 5			Previous Balance		53.37
KIT.PAY.4/23-5/27	06/01/2006	08:59	B#42350	347956	D		63.90		117.27
Sales Transaction	06/06/2006	11:18	I#82245		I	19.23			98.04
ZOE.ICE.CREAM.FNDRSR	06/06/2006	16:17	B#42423	349085	W			-2.50	95.54
Sales Transaction	06/13/2006	11:20	I#82465		I	21.72			73.82
HP.BURMAX.6/16	06/19/2006	16:15	B#42622	350941	W			-5.00	68.82
Sales Transaction	06/20/2006	10:19	I#82638		I	17.36			51.46
Sales Transaction	06/27/2006	09:55	I#82824		I	17.68			33.78
KIT.PAY.5/28-6/24	06/30/2006	16:15	B#42798	352328	D		54.72		88.50
Sales Transaction	07/06/2006	14:40	I#83205		I	10.06			78.44
Sales Transaction	07/11/2006	11:22	I#83387		I	6.89			71.55
Sales Transaction	07/18/2006	09:05	I#83559		I	18.36			53.19
ZOE.EXTRA.ICE.CREM.F	07/19/2006	12:46	B#43018	354883	W			-2.50	50.69
Sales Transaction	07/25/2006	10:11	I#83747		I	19.00			31.69
KIT.PAY.6/25-7/22	07/26/2006	11:39	B#43103	355728	D		79.65		111.34
Sales Transaction	08/01/2006	15:05	I#83977		I	20.20			91.14
MCP.8/3	08/04/2006	17:36	B#43239	356923	W			-4.00	87.14
ZOE.FNDRSR.PIZZA.	08/07/2006	17:26	B#43280	357523	W			-7.00	80.14
ZOE.ICE.CRM.FNDRSR.	08/07/2006	18:01	B#43281	357811	W			-2.50	77.64
Sales Transaction	08/08/2006	10:12	I#84205		I	10.27			67.37
Sales Transaction	08/15/2006	16:15	I#84420		I	14.38			52.99
Sales Transaction	08/22/2006	07:42	I#84619		I	17.79			35.20
HP.BURMAX.8/24	08/24/2006	15:30	B#44373	360065	W			-5.00	30.20
Sales Transaction	08/29/2006	07:54	I#84790		I	22.10			8.10
KIT.PAY.7/23-8/26	08/29/2006	16:15	B#44428	360596	D		110.61		118.71
Sales Transaction	09/05/2006	10:14	I#85000		I	20.15			98.56
Sales Transaction	09/12/2006	13:09	I#85241		I	22.32			76.24
COMM.CRDT.9/15	09/15/2006	16:07	B#44732	362728	D		1.59		77.83
Sales Transaction	09/19/2006	07:43	I#85451		I	18.63			59.20
COMM.CRDT.9/22	09/22/2006	17:17	B#44855	363494	D		1.50		60.70
Sales Transaction	09/26/2006	11:06	I#85660		I	7.96			52.74
KIT.PAY.8/27-9/23	09/28/2006	16:43	B#44946	364162	D		48.24		100.98
KIT.PAY.8/27-9/23	09/28/2006	16:44	B#44946	364164	D		45.78		146.76
Sales Transaction	10/03/2006	10:47	I#85892		I	17.49			129.27
Sales Transaction	10/10/2006	09:55	I#86118		I	19.48			109.79
Sales Transaction	10/17/2006	11:39	I#86343		I	13.26			96.53
HP.10/20	10/20/2006	13:22	B#45395	366957	W			-8.20	88.33
Sales Transaction	10/24/2006	10:15	I#86557		I	16.13			72.20
HP.OWED.10/20	10/26/2006	16:57	B#45533	367805	W			-0.01	72.19
Sales Transaction	10/31/2006	10:27	I#86787		I	15.23			56.96
KIT.PAY.9/24-10/28	10/31/2006	11:14	B#45612	368368	D		129.92		186.88
Sales Transaction	11/07/2006	11:35	I#86999		I	21.67			165.21
MCP.11/8	11/09/2006	15:46	B#45783	369427	W			-4.00	161.21
Sales Transaction	11/20/2006	10:40	I#87402		I	25.25			135.96
Sales Transaction	11/28/2006	15:08	I#87577		I	17.05			118.91

Date : 01/08/2007

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Comment	Trx Date	Time	Batch /Inv #	Trx Trx #	Type	Invoice	Deposit	Withdrawal	Balance Forward
<b>ID 00241930</b>	<b>Name</b>	<b>DRUMMOND, PHYLLIS</b>		<b>Block</b>	<b>5</b>	<b>Previous Balance</b>			<b>118.91</b>
KIT.PAY.10/29-11/25	11/29/2006	17:40	B#46147	371898	D		107.17		226.08
Sales Transaction	12/06/2006	15:14	I#87782		I	18.48			207.60
KOSHER.HLDY.KIT.12/8	12/08/2006	18:46	B#46319	373233	W			-12.00	195.60
Sales Transaction	12/19/2006	10:45	I#88177		I	20.71			174.89
PRCSD.REC.12/19	12/20/2006	16:33	B#46533	374724	D		20.00		194.89
Sales Transaction	12/26/2006	13:00	I#88364		I	13.35			181.54
Sales Transaction	12/26/2006	16:09	I#88510		I	-13.35			194.89
Sales Transaction	12/26/2006	16:10	I#88662		I	13.35			181.54
HLDY.KT.12/27	12/27/2006	10:18	B#46590	375335	W			-12.00	169.54
KIT.PY.11/26-12/23	12/28/2006	15:53	B#46648	375778	D		114.31		283.85
COMM.STORE.1/5	01/05/2007	17:16	B#46757	376793	W			-19.07	264.78
<hr/>									
			<b>Deposits</b>	12	<b>For \$</b>	777.39			
			<b>Withdraws</b>	13	<b>For \$</b>	-83.78			
			<b>Invoices</b>	30	<b>For \$</b>	482.20			